591389 B: 800 P: 80 RES 12/19/2019 08:58:39 AM Page: 1 of 2 R 0.00 D Dallas Schroeder Recorder, Elbert County, Co

STATE OF COLORADO	}
	} s:
COUNTY OF ELBERT	}

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 18<sup>th</sup> day of December, 2019, there were present:

Christopher Richardson Chair
Grant Thayer Vice Chair
Rick Pettitt Commissioner

Amanda Moore Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit:

## APPROVE RESOLUTION 19-73

<u>RZ-19-0095 PEAK VISTAS FILING 2 REZONE</u>. A REQUEST TO REZONE APPROXIMATELY 75.892 ACRES FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR)

**WHEREAS,** the applicant, CJ Kirst on behalf of property owner Rio Grande Alameda, Ltd., has submitted an application (Case No. RZ-19-0095) requesting approval of a Rezone for 75.892 acres from Agricultural (A) to Agricultural Residential (AR); and

WHEREAS, the proposed project is located in the West ½ of Section 27, Township 6 South, Range 63 West of the 6<sup>th</sup> Principal Meridian in Elbert County; and

**WHEREAS**, the Community and Development Services Department and the Planning Commission made the following Findings related to the applications:

## RZ-19-0095 PEAK VISTAS FILING 2 MAJOR RESIDENTIAL DEVELOPMENT

- 1. The proposal is in general conformance with the Elbert County Comprehensive Plan; and
- 2. The proposal meets the criteria for approval in the Elbert County Zoning Regulations; and
- 3. The Elbert County Subdivision Regulations are not applicable to the rezoning application; and
- 4. The proposal is compatible with existing and allowable land uses in the surrounding area; and
- 5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

**WHEREAS**, on December 3, 2019, the Planning Commission held a public hearing on this application. At the hearing there were presentations by CDS staff and the applicant, and public comment was solicited. On a vote of 5 to 0 for RZ-19-0095, the Planning Commission is

forwarding their recommendations to the Board of County Commissioners for their consideration; and

WHEREAS, on December 11, 2019, the Board of County Commissioners held a public hearing on this application. At the hearing there were presentations by CDS staff and the applicant, and public comment was solicited. The Board of County Commissioners voted to continue the application to a date certain of December 18, 2019, to allow the applicant to complete requirements pertaining to Filing 1; and

**WHEREAS**, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

**BE IT THEREFORE RESOLVED**, the Board of County Commissioners does hereby approve **RZ-19-0095 PEAK VISTAS FILING 2 REZONE** with conditions of approval to include:

- 1. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Rezone Exhibit;
- 2. The Rezone shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded; and
- 3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

CHRISTOPHER RICHARDSON

GRANT THAYER

DICK DETTITT

ATTEST: AMANDA MOORE

BY:

DEDUTY COUNTY OF EDV